

EXHIBIT B

1 1.3 Jurisdiction. This case claims damages arising out of a personal injury accident and
2 jurisdiction is appropriate in the Superior Court as the Court of general jurisdiction.
3 Jurisdiction is proper pursuant to RCW 4.28.185(1)(a).

4 1.4 Venue. The event complained of occurred in King County, Washington. Venue is
5 therefore proper pursuant to RCW 4.12.020(3).
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8 **II. FACTUAL BASIS FOR CLAIMS**

9 2.1 On April 23, 2017, Plaintiff was shopping at the WALMART store located at
10 17432 SE 270th Pl, Covington, 98042, in Covington, King County, Washington.
11 WALMART employees were restocking the grocery aisle shelves. As Plaintiff
12 walked down the juice aisle, a worker on the next aisle was restocking the
13 high-stacked, top shelf. The worker pushed on his stock, resulting in a push-
14 through event wherein an unsecured large bottle of juice on Plaintiff's aisle
15 fell from the top shelf onto Plaintiff's neck and shoulder area, injuring her.
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17 **III. CLAIMS**

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19 3.1. At the aforesaid time and place, defendant, WALMART, its agents,
20 employees and/or managers knew the risk of merchandise falling from top
21 shelves onto patrons walking down the aisles.
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23 3.2 As a business invitee, WALMART owed Plaintiff a duty to maintain its
24 premises, and the merchandise contained therein, in a reasonably safe
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manner and to protect PLAINTIFF from dangerous conditions on WALMART'S premises it knew or should have known about.

3.3 WALMART owed Plaintiff the duty to inspect for dangerous conditions to ensure that merchandise was in a safe position and to ensure its employees were safely restocking merchandise.

3.4 WALMART owed Plaintiff a duty to warn her about the dangerous conditions created by WALMART'S restocking activities.

3.5 WALMART owed Plaintiff the duty to properly train and monitor its staff to recognize the danger of push-through incidents and falling merchandise and how to safely re-stock merchandise.

3.6 WALMART breached the above duties of care, including, but not limited to:

- a. Failing to maintain its premises in a safe condition;
- b. Failing to inspect the premises for unsafe and dangerous conditions;
- c. Failing to exercise reasonable care under the circumstances;
- d. Failing to warn of dangerous conditions;
- e. Failing to properly train, manage, and supervise employees.

3.7 WALMART had actual or constructive knowledge of the dangerous condition and failed to remove and/or warn of the danger.

3.8 As a direct and proximate result of WALMART's negligent acts alleged herein, PLAINTIFF was severely injured. Although medical attention and

1 supportive remedies have been resorted to, said injuries, together with pain
2 and discomfort, and limitation of movement prevail and will continue to
3 prevail for an indefinite time into the future.
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6 **IV. DAMAGES**

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8 4.1 As a direct and proximate result of the negligence alleged herein, WALMART
9 is liable to PLAINTIFF for damages.

10 4.2 PLAINTIFF has incurred and will likely continue to incur medical expenses,
11 loss of earnings and earning capacity, and other expenses to be proved at the
12 time of trial, all to her general and special damages, in an amount now
13 unknown.
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15 WHEREFORE, PLAINTIFF prays for relief as follows:

- 16 1. For judgment against WALMART in an amount that will fairly
17 compensate PLAINTIFF for all damages sustained and in an amount to be
18 proved at the time of trial;
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20 2. For PLAINTIFF's reasonable attorney's fees, costs, and disbursement
21 incurred herein;
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23 3. For PLAINTIFF'S prejudgment interest calculated at the maximum
24 amount allowable by law;
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- 1 4. That PLAINTIFF be awarded post-judgment interest, at the highest rate
- 2 allowed by law on the outstanding amount of the judgment from the date
- 3 of the judgment and continuing until the judgment is paid in full; and
- 4
- 5 5. For such other and further relief the court deems just and equitable.
- 6

7 DATED this 16th day of April 2020.

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